

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

2007 JUL 30 PM 3:43

**(PRECEDENT CASE OF PUBLIC CONCERN)**

WAYNE DOYLE

Case No. C-3-07-0003

Plaintiff,

District Judge Thomas M. Rose

Chief Magistrate Judge Michael Merz

Vs

THE CLARK COUNTY PUBLIC  
JOHN MC CONAGHA and  
LIBRARY, et al.,

**Motion's**

- MOTION FOR: (OBJECTION) TO ANY AND ALL OF THE RECOMMENDATIONS AND ORDERS HANDED DOWN BY THIS COURT INCLUDING 7/2,7/2007.
- MOTION: FOR THE COURT DOCKET TO BE CORRECTED TO REFLECT (ALL) OF THE FILING'S AND ORDERS FILED WITH THIS COURT
- MOTION FOR: FINDING OF FACT AND CONCLUSION OF LAW CONCERNING (ALL) OF MAGISTRATE MERZ REPORTS AND RECOMMENDATIONS
- MOTION FOR: A DIFINITE STATEMENT (CLARITY) CONCERNING THE 6/21/2007, 7/5/2007, 7/17/2007 ,COURT ENTRY'S.
- MOTION FOR: THIS CASE TO BE TRANSFERED TO COLUMBUS,OHIO
- MOTION FOR: MAGISTRATE JUDGE MERZ TO BE DISQUALIFIED AND REMOVED AS JUDGE fore too many (mistakes) have been made by Judge Merz to afford Plaintiff Wayne Doyle a fair trial.

**CASE OF FIRST IMPRESSION**

*Wayne Doyle*

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON  
(PRECEDENT CASE OF PUBLIC CONCERN)

**JUDGE MERZ MISTAKE'S AND ERROR'S**

On 7/5/2007, Judge Merz said: "On April 25,2007, Plaintiff moved for reconsideration (Doc.No 52) and the Court extended the time to respond to June 22, 2007, (Doc No. 53). However, the Courts' calendar was not amended to show the additional extension and the Court believed that Plaintiff's time expired on May 1, 2007. When he had not filed any response by June 21,2007, the Magistrate Judge recommended the motion to Dismiss be granted (Report and Recommendations, Doc.No.57). See 7/5/2007, report and recommendation. **JUDGE MERZ MISTAKE-ERROR**

On 7/5/2007, Judge Merz said: "Neitzke v. Williams, 490 U.S. 319,327,109 S. Ct. 1827,104 L..ED.2<sup>nd</sup> 338 (1989) ("Rule 12(b)(6) does not countenance....dismissals based on a Judge's disbelief of a complaint's factual allegations"); Scheuer v. Rhodes, 416 U.S. 232,236,94 S.Ct 1683,40L.Ed.2d 90 (1974) ( a well-pleaded complaint may proceed even if it appears "that a recovery is very remote and unlikely") See 7/5/2007, report.

See transcript of Judge Merz court hearing. Judge Merz said:"She knowing , sometimes lawyers ,lawyers will use the word "knowing" really to mean: Did I see it or did I hear it. She wasn't there. So she doesn't know in that sense, same as me. Question for Judge Merz If you were not there how can you say John McConagha did not discriminate against me because of my race and sex?

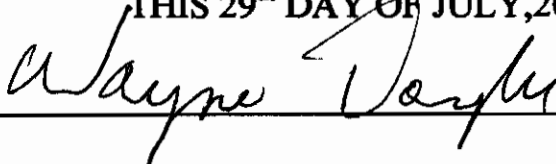
On 7/17/2007. Judge Merz said: "The sentence is hereby corrected to read" Finally, because neither the Library nor Mr. McConagha violated any of Mr Doyle's Constitutional rights. Mr. Mc Conagha is entitled to qualified immunity from any \ Monetary liability for his actions with respect to Plaintiff." See 7/17/2007, correction to substituted report and recommendations. **JUDGE MERZ MISTAKE ERROR**

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WESTERN DIVISION

RELIEF SOUGHT

- (1) I Wayne Doyle want my day in court to face my accuser's.
- (2) I, Wayne Doyle want my name to be cleared of Harassing, starring or following anyone around the library.
- (3) I, Wayne Doyle want this Court do justly, love mercy and walk humbly with your creator
- (4) I, Wayne Doyle want the Court docket to reflect (all) of the Court filings and orders filed with this Court.
- (5) I, Wayne Doyle want the Court to provide finding of facts and conclusion of law concerning this court's 6/21/2007, Court entry,
- (6) I, Wayne Doyle want a definite statement (Clarity) concerning the 6/21/2007 Court entry.
- (7) I, Wayne Doyle want this case to be transferred to Columbus for the Dayton Federal Court has not had a racial discrimination case go to trial.
- (8) I Wayne Doyle want the Court System to look at this case as a first impression of public concern. A citizen being punished for a violation, crime being committed without a victim.
- (9) I Wayne Doyle want Magistrate Merz disqualified and removed as Judge fore he continues to error on to the record and refuses to correct the docket to reflect the correct pleadings and orders handed down by this court..For it is not the plaintiff's job to correct a record that this Court has control of..
- (10)

MAILED TO LOIS A. GRUGIN  
21 EAST STATE STREET,  
COLUMBUS, OHIO 43215  
THIS 29<sup>th</sup> DAY OF JULY, 2007,



WAYNE DOYLE

**PUBLIC CONCERN**

**FOR THIS COURT'S REVIEW**

On 1/04/07 Mr Richard Higginbotham was barred from the library for looking in the direction on a white woman. Racial Discrimination (see Exhibit 12 ) class action suit , Richard Higginbotham story and ban letter.

**FACTS FOR THIS COURT TO REVIEW.**

1. THE 3/18/2005, INCIDENT TAKEN BY THE SECURITY OFFICER REPORT DOES NOT INDICATE THAT ANGIE JONES IS A BLACK WOMAN.
2. JOHN MC CONAGHA SAID HE BASED HIS DECISION OF THE SECURITY OFFICER'S REPORT, FORE HE DID NOT INDICATE THAT HE HAD MET ANGIE JONES IN PERSON.
3. NO VICTIM HAS COME FORTH TO REPORT A CRIME ON THE RECORD FOR THIS COURT'S REVIEW. AS STATED BY JUDGE MERZ: ITS ALL HEARSAY ABOUT ALL THE EVIDENCE BROUGHT AGAINST PLAINTIFF DOYLE.
4. WAYNE DOYLE STATES THAT ANGIE JONES IS A WHITE WOMAN WHO WAS CREATED IN JOHN MC CONAGHA WHITE RACIST MIND TO BAR ME FROM COMING INTO THE LIBRARY.